



DEPARTMENT OF CORRECTIONS POLICIES AND PROCEDURES

Policy No.: DOC 5.4.4	Subject: OFFENDER VISITING
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Section 4: Mail, Telephone and Visiting	Revision Date: June 1, 2002
Signature: /s/ Bill Slaughter	Effective Date: Aug. 1, 1997

I. POLICY:

It is the policy of the Department of Corrections to permit offenders to have visits with family, friends, and their attorneys under conditions consistent with the security of the facility/program.

II. IMPLEMENTATION:

This policy was revised on June 1, 2002.

III. AUTHORITY:

2-15-112, MCA. Duties and Powers of Department Heads
53-1-203, MCA. Powers and Duties of the Department of Corrections
DOC 3.1.5, Entrance Procedures and Detainment of Non-offenders
DOC 3.1.17, Searches and Contraband Control

IV. DEFINITIONS:

Earned Privilege Program means a comprehensive system that provides an effective means to manage offender populations and to reinforce constructive behavior change through various sanctions.

V. PROCEDURES:

The individual in charge of security will be responsible for the operation of the visiting program. Visiting regulations will include regular scheduling of visits at times that will assure reasonable access to offenders by family, friends, and others in the community, and will provide offenders and visitors with other information regarding the visiting process. The Warden/Superintendent/ Program Manager will establish limits appropriate to the size of that facility's visiting room, staff, and other factors relevant to the local facility. Attorney visits may be scheduled separately. Notice will be given to both visitors and offenders of personal property restrictions and visiting

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regulations, including procedures for obtaining approval for family members, friends, and others to visit; this information will be included in the facility orientation program.

A. Approval:

There will be no pre-approval required for attorneys of record. Attorneys and other legal assistants are subject to identification and credential verification procedures developed by the facility/program.

All other visitors will be subject to an approval process developed by the facility/program.

Individuals may be approved for the offender's visiting list in accordance with the following guidelines:

1. Persons under the age of 18 may visit only with the permission and in the presence of a parent or guardian or other person approved by the facility.
2. Persons on active probation or parole, or other forms of conditional release (including but not limited to furlough or work release), ordinarily will not be approved. In compelling cases such as immediate family members, the individual involved must obtain the permission of the supervising agency and the Warden/Superintendent/Program Manager, or designee, prior to being allowed to visit.
3. Persons with criminal records will not be automatically excluded from visiting but must be approved by the Warden/Superintendent/Program Manager or designee. The nature and extent of an individual's criminal record, supervision status, history of recent criminal activity, and potential threat to the safety and security of the facility will be weighed against the benefits of visitations in determining eligibility.
4. If there is reason to believe that a person may have a potentially detrimental effect on the offender or may constitute a threat to the security of the facility, that person will be excluded from the approved visitors' list.

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5. When an individual is not approved, notice of and reasons for disapproval will be given to the offender who submitted the individual's name. The offender may appeal the decision to the Warden/Superintendent/Program Manager or designee.

B. Searches of Visitors:

1. A large sign will be prominently posted at the visiting area entrance stating that all visitors will be subject to search prior to being allowed to visit any offender.
2. Searches of incoming visitors will be done in accordance with [DOC 3.1.17](#), Searches and Contraband Control.
3. If the search procedures established are not adequate to assure that no contraband is being brought into the facility, or the visitor refuses to submit to a search, the individual will be denied access to the facility.
4. If contraband is found on the visitor, a report will be submitted, the contraband confiscated, and dependent on the nature of the contraband, local law enforcement officials may be immediately contacted, in accordance with [Department policy 3.1.5](#), Entrance Procedures and Detainment of Non-offenders.
5. Each facility will determine what items can be brought into the visiting area by offenders and visitors. Visitors will be required to leave purses and other packages at home or locked in their vehicles.

C. Searches of Offenders:

All offenders will receive a pat-down search before and a strip search after all visits.

D. Visiting Conditions:

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1. Visiting will be supervised by staff at all times. Local policy will be established which determines the level of staffing that will be employed to supervise visits. Special consideration may be given to the security needs, physical structure and availability of staff in each facility/program.
2. Space in the visiting area will be allocated on a first-come basis provided that the shift supervisor may extend visits by reason of distance traveled, past infrequent visits, or other compelling reasons.
3. While visiting conditions will promote normal social interaction and reasonable levels of physical contact between offenders and visitors, the Warden/Superintendent/Program Manager may establish, for security reasons, non-contact visiting areas.
4. An attorney visiting area will be available to ensure privileged communication between offenders and their attorneys; however, the area used for these visits is subject to general staff supervision.
5. Offenders and visitors may be permitted to embrace and kiss at the beginning and end of visits, and hold hands during a visit. All other forms of physical contact are prohibited and will be cause for termination of visiting. Contact restrictions for children may be established at the facility/program level.
6. Separate bathroom facilities will be designated for visitors and offenders. Visitors will be strictly prohibited from using and/or accessing the bathroom facilities assigned to offenders. Offenders will similarly be prohibited access to, or use of, visitors bathroom facilities.

E. Records and Approval:

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Visiting area staff will maintain a record of all approved visitors and will document all visits as to date and time, person visiting, and any unusual incidents. While it is expected that doing so will be rare, special visits of otherwise unapproved visitors, extended visits, or visits on non-visiting days may be approved by the Warden/Superintendent/ Program Manager or designee. Special visits may include, but are not limited to, prospective employers, release sponsors, or parole advisors.

Limitations may be imposed on the number of visitors an offender may have at one time to prevent crowding in the visiting room or to eliminate difficulties in supervising the visit. The number of visitors an offender may receive and the length of the visits may be limited by the facility's programs, schedule, space, and personnel requirements. The shift supervisor or designee may terminate visits for good cause.

F. Special Housing Cases:

Visits for offenders in locked units will be completed under procedures established by each facility/program. If past experience indicates that the offender is prone to violence or disruptive behavior in the visiting area, visits may be disallowed. Visits for offenders in medical status requiring isolation will require the approval of the senior medical officer. Dependent on the seriousness of the illness, visits for these offenders may be held either in the medical or visiting area.

G. Limitations on Visits:

Visiting is a privilege and the facility or program may impose restrictions.

1. Visiting privileges may be determined by the level that an offender has attained in an Earned Privilege Program and the accompanying privileges allowed for that level.
2. Visiting privileges may be curtailed for offenders who have disciplinary policy sanctions that include the loss of visiting privileges.

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3. Visits by attorneys will be scheduled according to the needs of the facility or program and the visiting attorney.

H. Denial or Termination of a Visit:

A visit may be denied or terminated and visiting privileges suspended under the following circumstances:

- a visitor is under the influence of mood altering chemicals;
- there is insufficient space in the visiting room/area;
- a visitor refuses to submit to search procedures;
- a visitor refuses, or fails, to produce sufficient identification, or falsifies identifying information;
- there is a violation of facility/program rules by a visitor or offender;
- a visitor/offender fails to prevent children from disturbing others in the visiting area;
- there are inappropriate displays of affection, sexually inappropriate behavior, or inappropriate dress; and/or
- there is other conduct or conditions deemed by the shift supervisor or designee to be disruptive to visiting operations or to the secure and orderly operation of the facility/program.

A full report of any incident will be submitted by the shift supervisor or designee to the individual in charge of security, and, if appropriate, a disciplinary report will be filed against the offender involved.

VI. CLOSING:

Questions concerning this policy should be directed to the individual in charge of security at the facility/program.